



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/986,377

11/08/2001

Tomoko Yamada

1982-0171P

5133

2292

7590

04/07/2006

BIRCH STEWART KOLASCH & BIRCH

PO BOX 747

FALLS CHURCH, VA 22040-0747

EXAMINER

WILSON, YOLANDA L

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,377

Applicant(s)

YAMADA, TOMOKO

Examiner

Yolanda L. Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 11-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 8, 10, 14 and 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 4,7,8,10,14,16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,5,6,9,11-13,15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakabayashi et al. (USPN 54617053A). As per claim 1, Wakabayashi et al. discloses an image processing section which performs system initialization processing for image processing when a power source is turned on or at a starting, and performs image processing in accordance with an instruction for execution of image processing; an abnormal state detecting section for detecting generation of an abnormal state of the image processing section after the system initialization processing has been performed; and a trial section which, when the abnormal state of the image processing section is detected by the abnormal state detecting section, makes a trial of eliminating the abnormal state by controlling the image processing section so that a process or piece of equipment related to the image processing to transit to an initial state without performing the system initialization processing in column 8, lines 47-63. The image

Art Unit: 2113

processing section is the first processor, for the printer, which handles the initialization for the printer.

4. As per claim 2, Wakabayashi et al. discloses wherein the system initialization processing by the image processing section includes at least one of an operation of turning on again a power source of the image processing section, and an operation of downloading a parameter or a program to an image processing substrate, which is mounted in the image processing apparatus and is a part of the image processing section in column 8, lines 47-63. The ROM stores the boot program for the printer processor.

5. As per claim 3, Wakabayashi et al. discloses further comprising equipment related to the image processing, wherein the system initialization processing performed by the image processing section includes at least one of an operation of turning on again a power source of the equipment related to the image processing and initializing the equipment related to the image processing, and an operation of downloading a parameter or a program to the equipment related to the image processing in Figure 1 and in column 8, lines 47-63. The equipment is the printer.

6. As per claim 5, Wakabayashi et al. discloses wherein the image processing section comprises a single main process and plural sub-processes, and the trial section causes the transition to an initial state to occur by giving, to the plural sub-processes of the image processing section, an instruction for transition to an initial state in column 8, lines 47-63.

7. As per claim 6, Wakabayashi et al. discloses further comprising an equipment related to the image processing, wherein the trial section allows transition of the equipment related to the image processing, to an initial state by giving, to the equipment related to the image processing, an instruction for transition to an initial state in Figure 1 and column 8, lines 47-63. The equipment is the printer.

8. As per claim 9, Wakabayashi et al. discloses further comprising a notification section for giving a notice that the transition to an initial state by the trial section succeeds or fails in column 8, lines 47-63.

9. As per claim 11, Wakabayashi et al. discloses an image processing apparatus including an image processing section which performs system initialization processing for image processing when a power source is turned on or at a starting, and performs image processing in accordance with an instruction for execution of image processing, said method comprising the steps of: when an abnormal state of the image processing section is detected after the system initialization processing has been performed, making a trial of eliminating the abnormal state by controlling the image processing section so that a process or piece of equipment related to the image processing to transit to an initial state without performing the system initialization processing; and controlling the image processing section so that, if the transition to an initial state fails, the image processing section restarts and performs the system initialization processing in column 8, lines 47-63. The second processor performs system initialization for the cartridge.

Art Unit: 2113

10. As per claim 12, Wakabayashi et al. discloses wherein the system initialization processing includes downloading a program to an image processing substrate in the image processing apparatus in column 8, lines 47-63.

11. As per claim 13, Wakabayashi et al. discloses wherein the image processing section performs a main process and manages at least one sub-process, and the trial section controls the at least one sub-process to transit to an initial state in response to detection of the abnormal state in column 8, lines 47-63.

12. As per claim 15, Wakabayashi et al. discloses wherein the system initialization processing performed by the image processing section includes either: (1) turning on again a power source of the piece of equipment related to the image processing and initializing the equipment related to the image processing; or (2) downloading a parameter or program to the piece of equipment related to the image processing in column 8, lines 47-63.

Response to Arguments

13. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new grounds of rejection in response to the adding of the new claims and new limitations to the independent claims.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2113

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yolanda L Wilson
Examiner
Art Unit 2113

ylw


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100